

#19



Docket No.: 203348US0CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

:

Yusuke AMINO, et al.

: GROUP ART UNIT: 1625

SERIAL NO: 09/809,197

: EXAMINER: OH, T.V.

FILED: MARCH 16, 2001

: ALLOWED: APRIL 8, 2003

FOR: N-ALKYLASPARTYL DIPEPTIDE ESTER COMPOUNDS

PETITION TO WITHDRAW FROM ISSUE UNDER 37 CFR §1.313(c)(2)

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

SIR:

Further to the Issue Fee paid on June 23, 2003, Petitioners respectfully request the Office to Withdraw the present allowed application from Issue under the provisions granted Petitioners by 37 CFR §1.313.

37 CFR §1.313(c) states:

"Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except: . . . (2) Consideration of request for continued examination in compliance with §1.114; . . ."

Concurrent with the present Petition, Applicants have filed a Request for Continued Examination in compliance with §1.114. A copy of the request for continued examination is attached for the convenience of the Petition's Office.

If prosecution of an application is closed and a Petition under 37 CFR §1.313 is granted, an applicant may request continued examination under 37 CFR §1.114 by filing a submission and a fee. Petitioners respectfully filed the appropriate fee set forth in 37 CFR

§1.17(e) required by 37 CFR §1.114. Further, Petitioners respectfully filed an appropriate submission under 37 CFR §1.114(c).

37 CFR §1.114(c) states:

“A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability”

Petitioners have timely filed with the Request for Continued Examination, and an Information Disclosure Statement, and a list of related cases, which qualifies as an appropriate submission as set forth in 37 CFR §1.114(c). A copy of the Information Disclosure Statement is enclosed for the convenience of the Petition's Office. Accordingly, Petitioners have timely filed a Request for Continued Examination in compliance with §1.114 as set forth above. In accordance with 37 C.F.R. § 1.17(h) the required fee for filing this 37 C.F.R. § 1.313 Petition is included herewith and, as such, Applicants have fulfilled the requirements for filing a Petition under 37 CFR §1.313.

It is requested that the Petition be GRANTED and the references cited on the concurrently filed Information Disclosure Statement be considered.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Stephen G. Baxter
Attorney of Record
Registration No.: 32,884

Vincent K. Shier, Ph.D.
Registration No.: 50,552

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 08/03)
SGB:VKS

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Yusuke AMINO, et al.

SERIAL NO: 09/809,197

GAU: 1625

FILED: March 16, 2001

EXAMINER: OH, T.V.

FOR: N-ALKYLASPARTYL DIPEPTIDE ESTER COMPOUNDS

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

This is a request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.

Submission required under 37 C.F.R. §1.114

Previously Submitted:

- ☐ Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on
- ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

Enclosed:

- ☐ Amendment/Reply
- ☐ Information Disclosure Statement (IDS)
- ☒ Other: Information Disclosure Statement, List of Related Cases, Cited Pending Applications (1)

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FEES	RATE	CALCULATIONS
<input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of _____ months.	\$130.00	\$0.00
<input checked="" type="checkbox"/> RCE Fee required under 37 C.F.R. §1.17(e)	\$770.00	\$770.00
<input type="checkbox"/>		\$0.00
<input type="checkbox"/>		\$0.00
TOTAL OF ABOVE CALCULATIONS:		\$770.00
<input type="checkbox"/> REDUCTION BY 50% FOR FILING AS SMALL ENTITY		\$0.00
TOTAL:		\$770.00

- ☐ A check in the amount of _____ is enclosed
- ☒ Credit card payment form is attached to cover the fees in the amount of **\$770.00**
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 CFR 1.136, and any additional fees required under 37 CFR 1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate of this sheet is enclosed.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Stephen G. Baxter, Ph.D.

Registration No. 32,884

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220

Vincent K. Shier, Ph.D.

Registration No. 50,552

COPY

Docket No. 203348US0CONT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Yusuke AMINO, et al.

SERIAL NO: 09/809,197

GAU: 1625

FILED: March 16, 2001

EXAMINER: OH, T.V.

FOR: N-ALKYLASPARTYL DIPEPTIDE ESTER COMPOUNDS

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

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SIR:

Applicant(s) wish to disclose the following information.

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REFERENCES

- ☐ The applicant(s) wish to make of record the references listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☒ Attached is a list of applicant's pending application(s) which may be related to the present application. A copy of the claims and drawings of the pending application(s) is attached.
- ☐ A check or credit card payment form is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☐ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Stephen G. Baxter, Ph.D.

Registration No. 32,884

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 05/03)

Vincent K. Shier, Ph.D.

Registration No. 50,552

COPY



LIST OF RELATED CASES

<u>Docket Number</u>	<u>Serial or Patent Number</u>	<u>Filing or Issue Date</u>	<u>Inventor/ Applicant</u>
218254US0CONT	10/177,205	04/08/02	KAWAHARA, et al.
203348US0CONT*	09/809,197	03/16/01	AMINO, et al.

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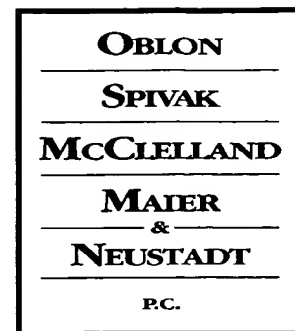
*Present Application; listed for information

COPY



Docket No.: 203348US0CONT

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ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/809,197
Applicants: Yusuke AMINO, et al.
Filing Date: March 16, 2001
For: N-ALKYLASPARTYL DIPEPTIDE ESTER
COMPOUNDS
Group Art Unit: 1625
Examiner: OH, T.V.
Allowed: April 8, 2003

SIR:

Attached hereto for filing are the following papers:

Petition to Withdraw from Issue Under 37 CFR §1.313(c)(2); Copy of RCE Transmittal filed November 5, 2003; Copy of Information Disclosure Statement filed November 5, 2003; Copy of List of Related cases filed November 5, 2003

Our credit card payment form in the amount of **\$130.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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Registration No. 32,884

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